

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA
Plaintiff,

V.

KEVIN DANIELS
Defendant.

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CRIMINAL NO. A-08-CR-285 LY

AMENDED SENTENCING MEMORANDUM

TO THE HONORABLE LEE YEAKEL, UNITED STATES DISTRICT JUDGE FOR THE
WESTERN DISTRICT OF TEXAS:

Defendant has previously filed a *Sentencing Memorandum* in the above-referenced case. Defendant respectfully requests the Court consider Sections I, II and III of Defendant's previously filed *Sentencing Memorandum* and, because Defendant now files this *Amended Sentence Memorandum*, not consider Section IV entitled "Appropriate Sentence" of Defendant's original Sentencing Memorandum. In this Amended Sentencing Memorandum Defendant would respectfully show the following:

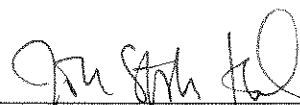
I.

In Section IV of Defendant's Sentencing Memorandum, Defendant included arguments respectfully requesting the Court to consider a sentence below the suggested guideline range. In doing so Defendant mistakenly proffered arguments in direct contradiction to Paragraph Four of the signed plea agreement in this case wherein both parties stipulated that a sentence of a

mandatory minimum of twenty years is an appropriate disposition for this case. Defendant maintains that he wishes to abide by his signed plea agreement. Defendant would respectfully request in light of the mitigation arguments made in the non-amended portions of his Sentencing Memorandum, that this Honorable Court assess a sentence of twenty years with a substantive drug treatment program.

Respectfully submitted,

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John Stephen Toland
State Bar No. 24029863

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this the 21st day of January, 2009, a true and correct copy of the above and foregoing document was served upon Jennifer Freel, Assistant United States Attorney, via facsimile at 916-5854, and to Lonnie Hellums, United States Probation Officer, via facsimile at 916-5766.



John Stephen Toland